



**NCTA**

NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION

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November 14, 2003

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: CS Docket No. 98-120

Dear Ms. Dortch:

On November 12, 2003, Robert Sachs, President and CEO of the National Cable & Telecommunications Association, met with W. Kenneth Ferree, Chief of the Media Bureau, to discuss pending issues in the above-captioned proceeding.

Consistent with NCTA's filings in this proceeding, Mr. Sachs reviewed with Mr. Ferree the reasons why broadcast stations should not be entitled to dual carriage during the DTV transition or be granted must carry rights for their digital broadcast signal until they have returned their analog spectrum. In addition, Mr. Sachs urged that the Commission adhere to its January 2001 ruling that interpreted "primary video" to mean a single digital video program stream. He explained why interpreting the term to encompass multicast digital signals would not only be prejudicial to other programming networks and interfere with the ability of cable operators to provide the array of services that best meets the needs and demands of consumers, but would also raise serious Constitutional problems.

Respectfully submitted,

/s/ **Michael S. Schooler**

cc: W. Kenneth Ferree